

REMARKS

Claims 45-54, 57, 59 and 61 are pending and under examination.

The rejection of claims 45-54, 57, 59 and 61 under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 45-52 and 61-68 of U.S. Patent No. 5,981,468 is respectfully traversed. Without addressing or conceding to the merits of the rejection, in order to expedite prosecution, Applicants submit herewith a duly-executed terminal disclaimer over Patent No. 5,981,468, along with a copy of the recordation of assignment of priority application serial No. 07/292,517, recorded at reel 5015, frame 0146. Applicants respectfully submit that the terminal disclaimer is sufficient to moot the double patenting rejection. As stated by the Court of Appeals for the Federal Circuit, the "filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection," Quad Environment Technologies Corp. v. Union Sanitary District, 20 USPQ2d 1392 (Fed. Cir. 1991). Thus, Applicants request that the double patenting rejection be withdrawn.

In light of the amendments and remarks herein, Applicants submit that the claims are now in condition for allowance and respectfully request a notice to this effect. The Examiner is invited to call the undersigned agent if there are any questions.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

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